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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,858	01/23/2006	Martin Griesser	AP10605	4828

7590
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12/21/2006

EXAMINER

SUN, XIUQIN

ART UNIT

PAPER NUMBER

2863

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/21/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/539,858

Applicant(s)

GRIESSER ET AL.

Examiner

Xiuqin Sun

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-12 and 16 is/are rejected.
- 7) ☒ Claim(s) 13-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 26/17/2005

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 9-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Independent claim 9 is directed to an algorithm for improving a tire pressure detection system itself rather than a practical application of the algorithm in the real world. The claim does not produce any tangible results. The practical application of the claimed invention cannot be realized until the output is conveyed to the user. For the result to be tangible it would need to output to a user or displayed to a user or stored for later use. Hence the claims are treated as non-statutory subject matter (See MPEP Sec. 2106). Claims 10-16 are rejected under 35 U.S.C. 101 base on dependency.

To view the new guidelines for 35 U.S.C. 101 please view the following OG notice: <http://www.uspto.gov/web/offices/com/sol/og/2005/week47/patgupa.htm>

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

Art Unit: 2863

granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 9-12 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Gustafsson et al. (U.S. Pub. No. 20030172728).

Regarding claim 9, Gustafsson et al. disclose a method of improving a tire pressure detection system with indirect measurement, the tire pressure detection system detects tire pressure using wheel speed data (Abstract), the method comprising: determining one or more reference values, wherein the one or more reference values are dependent upon driving parameters (sections 0023, 0065 and 0066); and producing a two-dimensional or multi-dimensional completely closed range of driving parameters, wherein the determined one or more reference values are admitted as being valid (sections 0024-0026, 0068, 0072-0075).

Regarding claim 10, Gustafsson et al. disclose: wherein the driving parameters include a selection of two or more driving parameters from a group including: lateral acceleration; characteristic quantity for strait travel; vehicle yaw rate; vehicle lateral acceleration; wheel torque; tire torsion; slip; and vehicle speed (sections 0069 and 0146).

Regarding claim 11, Gustafsson et al. disclose: wherein the driving parameter wheel torque is the wheel torque of a driven wheel or a quantity of corresponding behavior, with the wheel torque being determined using a rating which results from engine data and power transmission data (section 0069 and 0216).

Regarding claim 12, Gustafsson et al. disclose: wherein the lateral acceleration and the yaw rate are either measured by sensors or produced from wheel rotational data (section 0146 and 0147).

Regarding claim 16, Gustafsson et al. disclose: wherein the driving parameters are used for the activation and/or deactivation of data input in the pressure loss detection method or for the correction of the characteristic quantities found (sections 0099, 0100 and 0229).

Allowable Subject Matter

5. Claims 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and overcome the rejection under 35 USC § 101 as set forth above.

Reasons for Allowance

6. The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for the allowance of claims 13-15 is the inclusion of the claimed method steps of: placing a band around an imaginary curve of the function of a first driving parameter depending on a second driving parameter, wherein the first driving parameter is the wheel torque and the second driving parameter is the vehicle speed; and forming the closed range of driving parameters in a plane using the band,

Art Unit: 2863

wherein the plane is spread out by the first driving parameter and the second driving parameter and the curve is plotted during stationary travel. It is these limitations found in each of the claims, as they are claimed in the combination that have not been found, taught or suggested by the prior art of record, which make these claims allowable over the prior art.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiuqin Sun whose telephone number is (571)272-2280. The examiner can normally be reached on 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571)272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

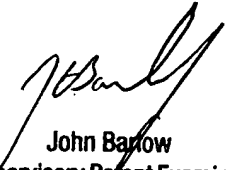
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/539,858
Art Unit: 2863

Page 6

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December 8, 2006


John Barlow
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